

REMARKS

The Examiner has rejected claims 1-54 under 35 USC 103. These rejections are fully traversed below. In addition, Applicant has amended the claims to correct various typographical errors and to further clarify the subject matter regarded as the invention.

Claim 22 has been cancelled. Claims 55-59 have been added. Claims 1-21, 23-59 are now pending.

Reconsideration of the application is respectfully requested based on the following remarks.

I REJECTIONS OF CLAIMS 1-54 UNDER 35 U.S.C. § 103

Claims 1-54 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over a combination of U.S. Patent No. 6,031,841 (Woundy) and U.S. Patent No. 6,510,162 (Fijolek), and further in view of U.S. Patent No. 6,785,564 B1 (Quigley). Applicant respectfully traverses this assertion.

After review of the arguments made by the previous practitioner regarding the above-cited references, Applicant respectfully asserts that the fact that the copied message includes a payload is not a feature that is significant to the patentability of the pending claims. Applicant sets forth various reasons for patentability below.

Each of the pending claims, as amended, recites a method, system, apparatus, or computer-readable medium for:

obtaining a message at the cable head end, wherein the message is received
from a cable modem or is to be transmitted to a cable modem;
determining whether the message meets filtering criteria; and

when the message meets the filtering criteria, copying the message including a payload and sending the copied message including the payload to a memory device.

It is important to note that the message that is "filtered" is obtained at the cable head end. In some of the independent claims, each of the claimed steps is performed by a Cable Modem Termination System (CMTS).

Woundy generally relates to dynamic resource reservation for upstream data traffic in a broadband cable system. More specifically, Woundy provides upstream bandwidth resource reservation which allows packet scheduling to occur at a CMTS, and packet classification to occur at a cable modem. See Abstract.

As set forth above, Woundy requires that specific processes be performed both at the CMTS and at the cable modem. For example, the Examiner refers to FIG. 2, blocks 202 and 222. The CMTS intercepts a path message at 202, while the cable modem stores a filter specification of a dynamic session addition message at 222. More specifically, the message received at the cable head end at 202 is a different message from the message including a payload that is received and stored by the cable modem at 222.

The Background section of Applicant's specification addresses the need in the art for a mechanism for monitoring the data communication between a head end complex and its associated cable modems. This is accomplished in the pending claims by filtering messages that are obtained at the cable head end, where the messages are either received from cable modem(s) or to be transmitted to cable modem(s). Those messages that meet specific filtering criteria may be stored to a memory device, enabling those messages to be accessed and monitored. In this

manner, communications that are communicated both upstream and downstream may be monitored. As such, the claimed invention provides numerous advantages over the cited art.

It is important to note that the cited portions of Woundy that relate to the storing of a message that includes a payload require that the message be stored by a cable modem. Even if all cable modems stored messages, Woundy fails to disclose or suggest the storing of messages obtained at a cable head end. As a result, Woundy would fail to enable both upstream and downstream communications to be "captured" (stored) and later monitored.

In addition, it is important to note that Woundy relates to dynamic resource reservation for upstream traffic in a cable system. In other words, Woundy fails to disclose or suggest managing downstream traffic. As a result, Woundy fails to disclose or suggest the need for monitoring both upstream and downstream communications.

Applicant respectfully asserts that Fijolek and Quigley fail to cure the deficiencies of the primary reference. Even if the cited references were combined, this would, at best, enable communications received by cable modems to be stored. However, such a combination would not enable communications received by a cable head end (e.g., from cable modems) to be stored and ultimately monitored. As a result, the combination of the cited references would fail to achieve the desired result (i.e., to enable both upstream and downstream communications transmitted between a head end complex and its associated cable modems to be monitored). Moreover, the combination of the cited references, separately or in combination, fail to disclose or suggest the problem in the prior art that the claimed invention solves; nor do the cited references, separately or in combination, disclose a solution to this problem. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of the independent claims.

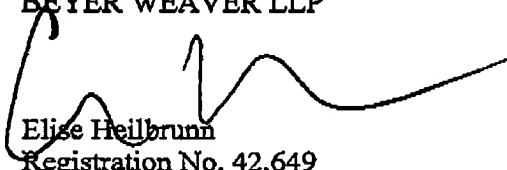
The Examiner's rejections of the dependent claims are respectfully traversed. However to expedite prosecution, all of these claims will not be argued separately. Claims 2-20, 22-41, and 43-53 each depend either directly or indirectly from independent claims 1, 21, and 42 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to independent claims 1, 21, 42, and 54. Further, the dependent claims recite additional elements that when considered in the context of the claimed inventions further patentably distinguish the invention from the cited art. Withdrawal of the claim rejections is respectfully requested. Accordingly, Applicant respectfully asserts that the dependent claims are also patentable over the cited art.

II. CONCLUSION

An early Notice of Allowance is earnestly solicited. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. CISC215).

Respectfully submitted,
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